HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE MS JUSTICE G.ROHINI,J

WRIT APPEAL NO.837 OF 2007

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Between:

The Voltas Employees Cooperative House Building Society Limited represented by its Secretary.

.....Appellant

AND

The Government of Andhra Pradesh,
Represented by the Special Chief Secretary,
Housing (CH) Department, Secretariat,
Hyderabad and others.

.....Respondents

::JUDGMENT::

Counsel for the Appellant : Sri M.V.Durga Prasad

Counsel for respondent No.1: Government Pleader for Revenue

Dated 23.10.2007

Per Sri G.S.Singhvi, CJ

This appeal is directed against order dated 23.3.2007 passed by the learned Single Judge whereby he declined the appellant's prayer for review of order dated 15.12.2006 passed in Writ Petition No.7794 of 2004.

A perusal of the record shows that writ petition filed by the appellant for quashing memo dated 29.3.2004 issued by the State Government was dismissed by the learned Single Judge with an observation that as a sequel to dropping of the surcharge proceedings initiated under Section 60 of the Andhra Pradesh Cooperative Societies Act, 1964, the Government can withdraw the prosecution. Review W.P.M.P.No.2568 of 2007 filed by the appellant was dismissed by the learned Single Judge on the ground that order dated 15.12.2006 does not suffer from any error apparent.

We have heard Sri M.V.Durga Prasad, counsel appearing for the appellant and perused the record.

Since the appellant has filed W.A.No.844 of 2007 questioning the correctness of order dated 15.12.2006 passed in Writ Petition No.7794 of 2004, we do not consider it proper to express any opinion on the merits of the view expressed by the learned Single Judge in the main case, but we do not have any hesitation to hold that a wrong decision or an erroneous view taken in respect of a question of law in proceedings under Article 226 of the Constitution of India does not

constitute a valid ground for exercise of power of review.

Though the provisions of the Code of Civil Procedure do not apply to the proceedings under Article 226 of the Constitution of India in the strict sense, the principles and policy underlying the various provisions of Code of Civil Procedure can certainly be invoked by the Court while exercising power under Article 226 of the Constitution of India which include an inherent power to review an order passed in exercise of that power. This proposition is clearly discernible from the judgment of the Supreme Court in **Shivdeo Singh v. State of Punjab**[1] and **Surendra Kumar v. State of Rajasthan**[2]**.**

If the order under challenge is considered in the light of the above noted proposition, we do not find any valid ground to interfere with it because the learned counsel for the appellant could not show that the order dated 15.12.2006 passed in Writ Petition No.7794 of 2004 suffers from an error apparent.

In the result, the appeal is dismissed.

G.S.SINGHVI, CJ

G.ROHINI,J

Dt.23.10.2007
msv

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[1] AIR 1963 SC 1909
[2] AIR 1979 SC 1047